

1714

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Weferling et al.

Docket: 1999DE121

Serial No.: 09/578,420

Group Art Unit: 1714

Filed: 5/25/2000

Examiner: Anthony, J.D.

For: Process For Preparing (Metal) Alkylphosphonites II

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MAY 26 2004

CERTIFICATION OF FACSIMILE TRANSMISSION

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I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office (Fax No.: 1-703-872-9306) on the date shown below:

1. SUPPLEMENTAL RESPONSE WITH TERMINAL DISCLAIMER (2 pages)
2. Copy of Auto-Reply Facsimile Transmission for Fee Transmittal Sheet dated March 12, 2004 (1 page)
3. Copy of Terminal Disclaimer to Obviate a Double Patent Rejection Over a Prior Patent (6,278,012) (1 page)
4. Copy of Auto-Reply Facsimile Transmission for Patent (6,278,012) (1 page)
5. New Fee Transmittal Sheet dated May 26, 2004 (1 page)

Total Pages including Certification of Transmission:

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Vicki L. Sgro:

Date: May 26, 2004

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT		Docket Number (optional) 1999DE6121
to an Application of: Norbert WEFERLING, et al., et al. Application No: 09/378,420 Filed May 25, 2000 Re: Process for preparing (Metal) Alkylphosphonates II		
<p>The owner, <u>Clariant GmbH</u>, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 104 and 178, as presently shortened by any terminal disclaimer, of prior Patent No. <u>5,218,332</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the parties, its successors, or assigns.</p> <p>In making the above disclaimer, the owner does not disavow the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 104 and 178 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or partially disclaimed under 37 CFR 1.824, has all claims cancelled by a recombination certificate, is released, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that would these statements and the facts so stated are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p> <p><u>Anthony A. Biscione</u> 3/12/2004 Signature Date Anthony A. Biscione Typed or printed name (704) 231-7151 Telephone Number</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.52(f) included.</p> <p>WARNING: Information on this form may become public. Confidential information should not be included on this form. Provide only the information and attachments on PTO-303.</p> <p>*Statement under 37 CFR 1.73(b) is required if terminal disclaimer is signed by the applicant (owner), Firm, PTO-303 may be used for making this declaration. See MPEP § 304.</p> <p>This information is submitted in accordance with 37 CFR 1.52(f). This information is required to appear on a terminal disclaimer for the purpose herein to be filed by the applicant in support of an application. Confidentiality is preserved by 35 U.S.C. 212 and 37 CFR 1.14. The subject is submitted in whole to the USPTO, without editing, and subject to the complete supervision of the USPTO. This will not be subject to the individual case. Any cancellation, on the ground of this not being necessary for the purpose of the filing, should be sent to the Chief Information Officer, US Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1088, Alexandria, VA 22304-1088. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. RETURN TO THE Chief Information Officer, P.O. Box 1088, Alexandria, VA 22304-1088.</p> <p>If you need assistance in completing this form, call 1-800-PTO-6160 and select option 3.</p>		

PAGE 1/1 * RCVD AT 3/12/2004 4:42:00 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:704 331 7707 * DURATION (mm-ss):02:58

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0851-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110.00

Complete If Known

Application Number	09/578,420
Filing Date	May 25, 2000
First Named Inventor	Norbert WEFERLING
Examiner Name	Joseph D. Anthony
Art Unit	1714
Attorney Docket No.	1999DE121

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit AccountDeposit
Account
Number
Deposit
Account
Name

03-2060

Clariant Corporation

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 590	2003 285	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 -2,520	1812 -2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 850	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing brief in support of an appeal	
1403 280	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) Terminal Disclaimers (1)

110.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 110.00

SUBMITTED BY

Name (Print/Type) Anthony A. Bisulca

Signature *Anthony A. Bisulca*

Registration No. (Attorney/Agent)

40,913

(Complete if applicable)

Telephone 704-331-7151

Date May 26, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual review.

☐ Applicant claims availability status. See 37 CFR 1.57

TOTAL AMOUNT OF PAYMENT: (5) \$10.00 Agency Deposit No. 1999008523

Complete if Known

Application Number: 09/578,020
 Filing Date: May 26, 2004
 First Named Inventor: Newburg WISEFALLING
 Examiner Name: Joseph D. Anthony
 Art Unit: 1714
 Agency Deposit No. 1999008523

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

01-2060
 Clariant Corporation

☒ Director is authorized per (check all that apply)

☒ Change in (1) indicated below ☐ Credit and debit payments

☐ Change any amount for fee or any combination of fees

☐ Change fee(s) indicated below, except for the filing fee

☐ In the above paragraph, except for the filing fee

FEE CALCULATION

1. BASIC FILING FEE

Fee Code	Fee Description	Fee	Fee Paid
1001	Basic Filing Fee	\$10.00	
1002	Design Filing Fee	\$10.00	
1003	Patent Filing Fee	\$10.00	
1004	Trademark Filing Fee	\$10.00	
1005	Subtotal	\$10.00	

SUBTOTAL (1) (5) \$10.00

2. EXTRA CLAIM FEES FOR UTILITY AND DESIGN

Utility Claims

Fee Code	Fee Description	Fee	Fee Paid
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1346	Utility Claim Fee	\$10.00	
1347	Utility Claim Fee	\$10.00	
1348	Utility Claim Fee	\$10.00	
1349	Utility Claim Fee	\$10.00	
1350	Utility Claim Fee	\$10.00	
1351	Utility Claim Fee	\$10.00	
1352	Utility Claim Fee	\$10.00	
1353			